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Harold Byrne, Danny Holland,
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COUNSEL/PARTIES OF RECORD	
JAN 16 2018	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 RICKIE L. HILL,

13 Plaintiff,

14 vs.

15 TIMOTHY FILSON, et al.,

16 Defendants.

Case No. 3:16-CV-00644-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO FILE
CONFIDENTIAL EARLY MEDIATION
STATEMENT
(FIRST REQUEST)**

17 Defendants, Harold Byrne, Danny Holland and Donald Southworth by and through counsel,
18 Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney
19 General, hereby move this court for an enlargement of time to file their Confidential Early Mediation
20 Statement.

21 This motion is based on the following Memorandum of Points and Authorities and the papers
22 and pleadings on file herein.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. NATURE OF MOTION**

25 Defendants hereby move for an enlargement of time to file their Confidential Early Mediation
26 Statement. Defendants request the time to file their Confidential Early Mediation Statement be enlarged to
27 Wednesday, January 17, 2018 at 4:00 p.m.

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1 **II. BRIEF STATEMENT OF THE CASE**

2 This is a prison civil rights action brought by Plaintiff, Rickie L. Hill ("Inmate Hill"), asserting a
3 claim for relief under 42 U.S.C. § 1983, and the Fourteenth Amendment to the U.S. Constitution. (ECF
4 No. 4 at 7). This Court screened Inmate Hill's complaint on October 4, 2017 and placed this matter into a
5 ninety (90) day stay. (ECF No. 3) The Office of the Attorney General is to file a report regarding the
6 results of the ninety (90) day stay on January 2, 2018. *Id.* An Early Mediation Conference ("EMC") is
7 currently scheduled for January 23, 2018 at 11:30 p.m. (ECF No. 6 at 1).

8 **III. LEGAL AUTHORITY**

9 Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the court may, for good cause, extend the time in which
10 an act must be done if a request is made before the original time or its extension expires. The proper
11 procedure, when additional time for any purpose is needed, is to present the request for extension of
12 time before the expiration of the time for the brief to be filed. Extensions of time may always be asked
13 for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the
14 Rule.

15 **IV. DISCUSSION**

16 Here, the time to file the Confidential Early Mediation Statement has not expired. Defendants
17 submit that the facts and the argument contained herein constitute good cause to enlarge the time for filing
18 the mediation statement to January 17, 2018 at 4:00 p.m. The undersigned had a family emergency that
19 required her to leave work on Thursday, January 11, 2018. The family emergency prevented the
20 undersigned from finalizing Defendants' Confidential Early Mediation Statement from January 11, 2018
21 through January 15, 2018. Due to the family emergency experienced by the undersigned, Defendants
22 respectfully request this Court enlarge the time to file their Confidential Early Mediation Statement to
23 January 17, 2018 at 4:00 p.m.

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1 **V. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request this Court enlarge the time to file their
3 Confidential Early Mediation Statement to January 17, 2018 at 4:00 p.m.

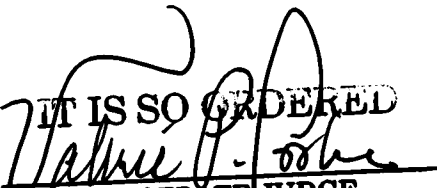
4 DATED this 16th day of January, 2018.

5 ADAM PAUL LAXALT
6 Attorney General

7 By:


8 ERIN L. ALBRIGHT
9 Deputy Attorney General
Bureau of Litigation
Public Safety Division

10 *Attorneys for Defendant*

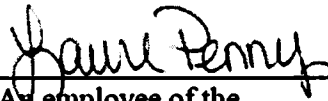
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14 U.S. MAGISTRATE JUDGE

15 DATED: January 14, 2018
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 16th day of January, 2018, I caused to be deposited for mailing in the U.S. Mail a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE CONFIDENTIAL EARLY MEDIATION STATEMENT (FIRST REQUEST)**, to the following:

RICKIE L. HILL #87052
ELY STATE PRISON
P O BOX 1989
ELY NV 89301


An employee of the
Office of the Attorney General